

550 BROAD STREET
NEWARK, NEW JERSEY 07102-4599
PHONE: (973) 643-1400 FAX: (973) 643-1900

Floyd G. Cottrell*

Certified by the Supreme Court of NJ
as a Civil Trial Attorney
Certified by the National Board
of Advocacy as a Civil Trial Specialist

* Also Admitted in NY

± Also Admitted in CT

Associates

Domenica Hart*±
Ebony Riley*
Heather G. De Noia*±

Paralegals

Evelyn Concepcion
Leslie M. Davila

Edward Solensky, Jr.

David A. Semple

December 3, 2012

VIA ELECTRONIC FILING

Clerk,
United State District Court
District of New Jersey
M.L King, Jr. Federal Bldg & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Kristen Devine vs. Steven Spencer, et al.
Docket No. MID-L-7082-12

Dear Sir/Madam:

Enclosed please find the following documents:

XX Notice of Removal;
XX Petition for Removal;
XX Certification of Mailing;
XX Rule 7.1 Financial Disclosure;
XX Civil Case Information Statement.

Should you require anything further, please do not hesitate
to contact the undersigned.

Very truly yours,
COTTRELL SOLENSKY & SEMPLE, P.A.

/S/FLOYD G. COTTRELL (7820)

FGC:ec

Encl.

cc: Brett R. Greiner, Esq. w/encl, via Lawyers Service
Clerk, Middlesex County Courthouse w/encl, via Lawyers
Service

IN THE UNITED STATES DISTRICT COURT
FOR NEW JERSEY

File No. 43-12-001

COTTRELL SOLENSKY & SEMPLE, P.A.

550 Broad Street, Suite 1000

Newark, New Jersey 07102

Phone: (973) 643-1400

Fax: (973) 643-1900

Attorneys for Defendants, Steven Spencer and Merchants 5 Star, Inc.

KRISTEN DEVINE,

Plaintiff,

vs.

**STEVEN SPENCER; MERCHANTS 5
STAR, INC.; JOHN DOES #1 TO
#10 (unidentified
individuals and/or
businesses/corporations who
owned, operated, maintained,
supervised, designed,
controlled, constructed
and/or repaired,**

Defendants.

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

PETITION FOR REMOVAL

Removing defendants, Steven Spencer and Merchants 5 Star, Inc., upon information and belief state as follows:

1. Plaintiff Kristen Devine commenced an action against the removing defendants, Steven Spencer and Merchants 5 Star, Inc., in the Superior Court of New Jersey, Law Division, Middlesex County bearing docket number MID-L-7082-12.

2. The Complaint was served upon removing defendants, Steven Spencer and Merchants 5 Star, Inc., on November 13, 2012.

3. Plaintiff is a resident of the State of New Jersey.

4. Defendant Merchants 5 Star, Inc., is a corporation organized and existing under the law of the State of Ohio with an office and principle place of business located at 18192 State Route 7, Marietta, Ohio 45750.

5. Defendant Steven Spencer is a resident of the State of West Virginia.

6. The amount in controversy is more than \$75,000.00.

7. Accordingly, this court has diversity jurisdiction of this action pursuant to 28 U.S.C. Section 1332, and defendant is entitled to removal of this action pursuant to 28 U.S.C. Section 1441.

WHEREFORE, removing defendants hereby petition for the removal of plaintiffs' action to this court, pursuant to 28 U.S.C. sections 1441 and 1446.

COTTRELL SOLENSKY & SEMPLE, P.A.

Attorney for Defendants, Steven Spencer
and Merchants 5 Star, Inc.,

/s/FLOYD G. COTTRELL (7820)

Dated: December 3, 2012

CERTIFICATION OF SERVICE AND FILING

I, **FLOYD G. COTTRELL**, attorney-at-law of New Jersey, certifies under penalties of perjury as follows:

1. The foregoing United States District Court Notice of Removal was filed with the Clerk of the United States District Court for the District of New Jersey on December 3, 2012 via e-filing.

2. The foregoing New Jersey Superior Court Notice of Removal and U.S. District Court Petition of Removal were served upon plaintiff's attorney Brett R. Greiner, Esq., of Levinson Axelrod, P.A., by way of Lawyers Service on December 3, 2012.

3. An original and one copy of the Superior Court Notice were filed with the Court, Superior Court of New Jersey, Middlesex County, New Brunswick, New Jersey via Lawyers Service on December 3, 2012.

COTTRELL SOLENSKY & SEMPLE, P.A.

Attorney for Defendants, Steven Spencer
and Merchants 5 Star, Inc.

/s/FLOYD G. COTTRELL, EQ. (7820)

Dated: December 3, 2012

IN THE UNITED STATES DISTRICT COURT
FOR NEW JERSEY

File No. 43-12-001

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UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

STATEMENT PURSUANT TO F.R.C.P.
7.1

Defendant, Merchants 5 Star, Inc., by its attorneys the Law Offices of Cottrell Solensky & Semple states as follows as required by F.R.C.P. 7.1:

1. Merchants 5 Star, Inc., has no parent corporation.
2. There is no publicly-held corporation that owns 10% or more of the stock of Merchants 5 Star Inc's.

COTTRELL SOLENSKY & SEMPLE, P.A.
Attorney for Defendants, Steven Spencer
and Merchants 5 Star, Inc.,

/s/FLOYD G. COTTRELL, ESQUIRE (7820)

Dated: December 3, 2012

IN THE UNITED STATES DISTRICT COURT
FOR NEW JERSEY

File No. 43-12-001

COTTRELL SOLENSKY & SEMPLE, P.A.

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Newark, New Jersey 07102

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Attorneys for Defendants, Steven Spencer and Merchants 5 Star,
Inc.

KRISTEN DEVINE,

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supervised, designed,
controlled, constructed
and/or repaired,**

Defendants.

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

NOTICE OF REMOVAL

To: Middlesex County Superior Court
56 Paterson St.
New Brunswick, NJ 08903-0964

Brett R. Greiner, Esq.
Levinson Axelrod, P.A.
2 Lincoln Highway
Edison, New Jersey 08818-2905

SIRS:

PLEASE TAKE NOTICE that annexed hereto is a true copy of the
Petition for Removal which was filed in this action in the United

States District Court for the District of New Jersey pursuant to 28 U.S.C. Sections 1441 and 1446 on December 3, 2012.

PLEASE TAKE FURTHER NOTICE, that said filing, together with the filing and service of this Notice, has effected the removal of this action to the United States District Court for District of New Jersey pursuant to 28 U.S.C. Section 1446, and no further proceedings with respect to this action can take place in this Court.

Attached hereto as **Exhibit A** is a true and correct copy of all pleadings and process filed in this action in the Superior Court of Middlesex County, New Brunswick, New Jersey, under docket number MID-L-7082-12. This Notice of Removal is being concurrently filed with the Superior Court of Middlesex County, New Brunswick, New Jersey. A copy of this application in its entirety is being forward to the law offices of Levinson Axelrod, P.A., 2 Lincoln Highway, Edison, New Jersey 08818-2905.

WHEREFORE, defendants pray that this civil action be removed to this Court from the Superior Court of Middlesex, New Brunswick, New Jersey.

COTTRELL SOLENSKY & SEMPLE, P.A.
Attorney for Defendants, Steven Spencer
and Merchants 5 Star, Inc.,

/s/FLOYD G. COTTRELL (7820)

Dated: December 3, 2012

EXHIBIT "A"

LEVINSON AXELROD, P.A.
Levinson Plaza
2 Lincoln Highway
P.O. Box 2905
Edison, New Jersey 08818-2905
(732) 494-2727

CIVIL RECORDS
N.J. SUPERIOR COURT
MIDDLESEX COUNTY

2012 OCT 17 AM 11:32

FILED & RECEIVED #4

Attorneys for Plaintiff(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO.

MID-L-7082 12

Civil Action

KRISTEN DEVINE,

Plaintiff,

vs.

STEVEN SPENCER; MERCHANTS 5
STAR, INC.; JOHN DOES #1 to
#10 (unidentified individuals
and/or businesses/corporations
who owned, operated,
maintained, supervised,
designed, controlled,
constructed and/or repaired),

Defendants.

COMPLAINT, JURY DEMAND,
CERTIFICATION, DEMAND FOR
PRODUCTION OF DOCUMENTS and
DEMAND FOR ANSWERS TO
INTERROGATORIES

The plaintiff, Kristen Devine, residing at 6 Sheffield Court in East Brunswick, County of Middlesex, State of New Jersey, complaining of the defendant say:

FIRST COUNT

1. On or about the 15th day of May 2012 the plaintiff, Kristen Devine, was the owner and operator of a motor vehicle which was stopped in traffic on U.S. Highway #1 South in Woodbridge, County of Middlesex, State of New Jersey.

2. At the time and place aforesaid the defendant, Steven Spencer, was the operator of a vehicle owned by the co-defendant, Merchants 5 Star, Inc. which was also travelling in a southerly direction on U.S. Highway #1 South in Woodbridge, County of Middlesex, State of New Jersey.

3. As a direct and proximate result of the negligence of the defendants, Steven Spencer and/or Merchants 5 Star, Inc. and/or John Does #1-#10 (representing presently unidentified individuals, businesses and/or corporations who owned, operated, maintained, supervised, designed, constructed, repaired and/or controlled the vehicle in question at the time of the accident) in the manner in which said motor vehicles were owned, operated, maintained, repaired, controlled and supervised, a collision occurred and the plaintiff, Kristen Devine, was caused to sustain injuries; she was caused to suffer pain and will in the future be caused to suffer pain; she was caused to incur medical expenses and will in the future be caused to incur medical expenses; she was caused to lose time from her employment and will in the future be caused to lose time from her employment; she was caused to suffer permanent injuries.

WHEREFORE, the plaintiff, Kristen Devine, demands judgment against the defendants jointly, severally or in the alternative.

SECOND COUNT

1. The plaintiff, Kristen Devine, repeats the allegations contained in the First Count as if the same were more fully set forth herein and made a part hereof.

2. Plaintiff, Kristen Devine, alleges there was a breach of motor vehicle statutes and that constitutes a statutory tort.

WHEREFORE, the plaintiff, Kristen Devine, demands judgment against the defendants jointly, severally or in the alternative.

PLEASE TAKE NOTICE that the plaintiff, pursuant to R.R. 4:35-1, demand a trial by jury.

involved in the incident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.

4. Copies of any and all signed or unsigned statements, documents, communications, and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, businesses, corporation, investigative authority or other entity concerning anything relevant to the incident in question.

5. Copies of any and all documentation, including but not limited to, safety manuals, statutes, rules, regulations, books, and/or industry standards which refer to, reflect or otherwise relate to the incident in question or any potential defense to the action in question.

6. Copies of any and all discovery received from any other parties to the action in question.

7. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.

8. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.

9. Copies of any and all records of any type subpoenaed by the defendant or received from any other source concerning the plaintiff or the incident in question.

10. Copies of all cellular phone bills of any and all phones that each defendant had access to on the date of the subject accident.

11. Copy of the entire Property Damage file maintained by each defendant, their insurance companies and their respective counsel including but not limited to photos and repair estimates for all vehicles involved in the subject accident.

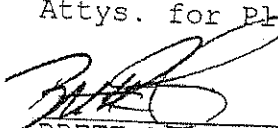
DEMAND FOR ANSWERS TO INTERROGATORIES

Demand is hereby made on the defendant to answer fully and responsively Form C Uniform and Form C(1) Uniform Interrogatories, personal injury, Superior Court found in Appendix II as provided by R. 4:17-(b)(ii) and the other applicable Rules of Court.

DESIGNATION OF TRIAL COUNSEL

Please take notice that pursuant to R. 4:25-4, Brett R. Greiner, Esq. is hereby designated as trial counsel in the above captioned matter for the firm of Levinson Axelrod, attorneys for plaintiffs.

LEVINSON AXELROD, P.A.
Attys. for Plaintiffs


BRETT R. GREINER

Dated: October 15, 2012.

CERTIFICATION

I hereby certify that this matter is not the subject matter of any other suit presently pending in any other Court or in any American Arbitration proceedings. At this time no other Court proceeding or American Arbitration proceeding is contemplated. However, there may be an Underinsured Motorist Claim, brought in the future, if the facts so indicate.

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 4:18-1, the plaintiff hereby demands that the defendant produce the following documentation within thirty (30) days as prescribed by the Rules of Court. Additionally, please be advised that the following requests are ongoing and continuing in nature and the defendant is therefore required to continuously update its responses thereto as new information or documentation comes into existence.

1. The amounts of any and all insurance coverage covering the defendant, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.

2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.

3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals

MIDDLESEX VICTIMS CIVIL DIVISION
P O BOX 2633

56 PATERSON STREET
NEW BRUNSWICK NJ 08903-2633

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 519-3728
COURT HOURS

DATE: OCTOBER 18, 2012
RE: DEVINE KRISTEN VS SPENCER STEVEN
DOCKET: MID L -007082 12

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON RICHARD S. REBECK

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (732) 519-3745 EXT 3745.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: BRETT R. GREINER
LEVINSON AXELROD P C
2 LINCOLN HWY
PO BOX 2905
EDISON NJ 08818-2905

JUMUCC1

RECEIVED
11/13/12
2:30 PM

IN THE UNITED STATES DISTRICT COURT
FOR NEW JERSEY

File No. 43-12-001

COTTRELL SOLENSKY & SEMPLE, P.A.

550 Broad Street, Suite 1000

Newark, New Jersey 07102

Phone: (973) 643-1400

Fax: (973) 643-1900

Attorneys for Defendants, Steven Spencer and Merchants 5 Star, Inc.

KRISTEN DEVINE,

Plaintiff,

vs.

**STEVEN SPENCER; MERCHANTS 5
STAR, INC.; JOHN DOES #1 TO
#10 (unidentified
individuals and/or
businesses/corporations who
owned, operated, maintained,
supervised, designed,
controlled, constructed
and/or repaired,**

Defendants.

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

CIVIL ACTION NO.

**ANSWER, AFFIRMATIVE DEFENSES AND
JURY DEMAND**

Defendants, Steven Spencer and Merchants 5 Star, Inc., by and through their attorneys the Law Offices of Cottrell Solensky & Semple, P.A. by way of Answer to the Complaint states:

ANSWERING THE FIRST COUNT

1. Answering defendants deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 1 of the First Count of Plaintiff's Complaint.

2. Answering defendants admit the allegations contained in Paragraph 2 of the First Count of Plaintiff's Complaint.

3. Answering defendants deny the allegations contained in Paragraph 3 of the First Count of Plaintiff's Complaint.

WHEREFORE, the defendants demand judgment dismissing the First Count of Plaintiff's Complaint.

ANSWERING THE SECOND COUNT

1. Answering defendants repeat and re-allege their answers contained in the First Count as if set forth at length herein.

2. Answering defendants deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2 of the Second Count of Plaintiff's Complaint and refers all questions of law to the Court.

WHEREFORE, the defendants demand judgment dismissing the Second Count of Plaintiff's Complaint.

FIRST AFFIRMATIVE DEFENSE

This Court lacks personal jurisdiction over these answering defendants by reason of the failure of proper service of process.

SECOND AFFIRMATIVE DEFENSE

The within action is barred by virtue of the Doctrine of Comparative Negligence in that the plaintiff's negligence was greater than defendants' alleged negligence, or plaintiff's damages should be reduced by virtue of plaintiff's comparative negligence, pursuant to N.J.S.A. 2A:15-5.1, et seq.

THIRD AFFIRMATIVE DEFENSE

Any injuries which may have been sustained as alleged in the Complaint, were brought about, or were made more serious, by the failure of the plaintiff to use an available seat belt or available passenger restraint device.

FOURTH AFFIRMATIVE DEFENSE

Whereas plaintiff received or is entitled to receive benefits for the injuries allegedly incurred from sources other than a joint tortfeasor, the amount of these benefits (other than workers compensation benefits or proceeds from a life insurance policy) which duplicate any benefit contained in the award shall be deducted from any award recovered by the plaintiff, less any premium paid, all in accordance with N.J.S.A. 2A:15-97.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs failed to take reasonable steps to mitigate her damages; defendants bear no liability for damages which would otherwise have been avoided or prevented.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38 (b) defendants hereby demand a jury trial as to all issues.

COTTRELL SOLENSKY & SEMPLE, P.A.

Attorney for Defendants, Steven Spencer
and Merchants 5 Star, Inc.,

/s/ FLOYD G. COTTRELL, ESQ. (7820)

Dated: December 3, 2012

CERTIFICATION

I hereby certify that the matter in controversy is the subject of another action entitled Edward A. Pankowski vs. Merchants 5 Star, Inc., under Docket No MID-L-7242-12. A Notice of Removal and Answer is also being filed with the United States District Court of the District of New Jersey on December 3, 2012.

COTTRELL SOLENSKY & SEMPLE, P.A.
Attorney for Defendants, Steven Spencer
and Merchants 5 Star, Inc.

/s/ FLOYD G. COTTRELL, ESQ (7820)

Dated: December 3, 2012

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kristen Devine
6 Sheffield Ct, East Brunswick, New Jersey

(b) County of Residence of First Listed Plaintiff Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Telephone Number, and Email Address)
Brett R. Greiner, Esq. Levinson Axelrod, P.A.
2 Lincoln Highway, Edison, New Jersey 08818-2905

DEFENDANTS

Steven Spencer, Elizabeth, West Virginia 26143
Merchants 5 Star Inc 18192 State Route 7 Marietta, Ohio 45750

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Floyd G. Cottrell, Esq. Cottrell Solensky & Semple, P.A.
550 Broad Street, Suite 1000, Newark, NJ 07102
Tel (973) 643-1400

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Sections 1441 and 1446

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER MID-L-7242-12

DATE

12/03/2012

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE